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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,085	07/30/1999	URI ELZUR	INTL-0149-US	8923

7590 04/11/2003  
TIMOTHY N TROP  
TROP PRUNER HU & MILES P C  
8554 KATY FREEWAY SUITE 100  
HOUSTON, TX 77024

EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/11/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/364,085

Applicant(s)

ELZUR, URI

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-8, and 14-19 are presented for examination.

**Response to Arguments**

2. Applicant's arguments filed February 06, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to combine the teaching of Jackowshi and Law to have the storing table in a memory of peripheral because it would make the loading faster and efficient performance between client and server.

Therefore, the examiner asserts that cited prior arts in combination teach or suggest the subject matter broadly recited in independent claims 1 and 14. Claims 2-8, 15-19 are also

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rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 12]. Accordingly, claims 1-8 and 14-19 are respectfully rejected.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8, 14-15, and 17-19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Jackowski et al. (hereinafter Jackowski) U.S. Patent No. 6,141,686, in view of Law et al. (hereinafter Law) U.S. Patent No. 6,330,602.

5. Referring to claim 1, Jackowski discloses a method for use with a computer system, comprising: storing a table in a memory (Figure 5 Item 60 and Col. 5 lines 7-11, col. 8 lines 59-

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col. 9 lines 19), the table including entries identifying different packet flows (Col. 4 lines 61-63, col. 8 lines 59-col. 9 lines 19); receiving a packet (Figure 5, col. 7 lines 35-65, col. 8 lines 59-col. 9 lines 34); and using the table to associate the packet with one of the packet flows (Figure 9A and 9B). Jackowski does not explicitly teach the step of storing a table in a memory of a peripheral. However, Law teaches step of storing a table in a memory of a peripheral (figures 4-5, col. 5 lines 19-col. 6 lines 24). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Jackowshi and Law to have the storing table in a memory of a peripheral because it would make the loading faster and efficient performance.

6. Referring to claim 14, Jackowski discloses a computer system comprising: a system memory; a processor; store a table including entries identifying different packet flows (Figure 5 Item 60); a first interface adapted to receive a packet (Figure 5); a second interface adapted to communicate with the system memory (Figure 5); and a circuit adapted to: use the table to associate the packet with one of the packet flows (Figure 5 and Col. 9 lines 3-19), and based on the association, interact with the second interface to selectively transfer a portion of the

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packet to the system memory for processing by the processor (Figure 5). Jackowski does not explicitly teach a peripheral comprising a peripheral memory adapted to store the table. However, Law teaches a peripheral comprising a peripheral memory adapted to store the table figures 4-5, col. 5 lines 19-col. 6 lines 24). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Jackowshi and Law to have a peripheral comprising a peripheral memory adapted to store the table because it would make the loading faster and efficient performance.

7. Referring to claim 3, and 17 Jackowski discloses the method of claim 1, and 14 wherein said at least one characteristic comprises: a port number being associated with an application (Col. 5 lines 3-4).

8. Referring to claim 4, and 18 Jackowski discloses the method of claim 1, 9, 14 wherein said at least one characteristic comprises: a security attribute (Col. 3 lines 34-38).

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9. Referring to claim 5, Jackowski discloses the method of claim 1, further comprising: based on the association, selectively using hardware to process the packet (Abstract and Col. 17 lines 15-20).

10. Referring to claim 6, Jackowski discloses the method of claim 1, further comprising: based on the association, selectively executing software to process the packet (Figure 10 and Col. 9 lines 3-19).

11. Referring to claim 7 and 15, Jackowski discloses the method of claim 1 and 14 wherein the peripheral comprises: a network controller (Figure 5 and Col. 8 lines 7-23).

12. Referring to claim 8 and 19, Jackowski discloses the method of claim 1 and 14 and a high-level application module (Figure 5 Item 32). Jackowski does not explicit disclose storing the packet in another memory. However, the high level applications as disclosed by Jackowski send and receive information to a network by making calls to Winsock-2 library by calling application programming interfaces (API). It is inherent that any high level application processing of the received packets requires some kind of storage or memory to

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function. Therefore, it is obvious that high-level application module comprises a memory for information retrieval and for more convenient accessibility.

13. Claims 2, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackowski (hereinafter Jackowski) U.S. Patent No. 6,141,686 and Law et al. (hereinafter Law) U.S. Patent No. 6,330,602 in view of Radogna et al. (hereinafter Radogna) U.S. Patent No. 5,991,299.

14. Referring to claim 2, and 16, Jackowski discloses the method of claim 1, and 14 where an examiner, coupled to the interceptor, examines the network event intercepted and collects statistical information about the network event (Col. 4 lines 61-64). However, Jackowski and Law do not explicitly disclose a parser that identifies the packet and header characteristics. Radogna discloses a method for translating data link layer and network layer frame headers at higher speed for processing wherein the packet indicates a header and the act of using the table (Figure 2) comprises: parsing the packet to identify at least one characteristic of the packet (Figure 2 Item 46 and Col. 3 lines 23-29 and 50-59); and comparing said at least one characteristic to the entries (Col. 4 lines 4-17). Therefore,



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it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collection of statistical network flow and packet information as disclosed by Jackowski and Law to include a Receive Header Processor as disclosed by Radogna because the parser not only collects information but specifically breaks information into manageable parts. A parser may also check to see that all inputs have been provided.

#### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

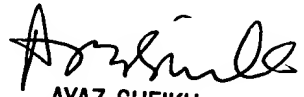
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen whose telephone number is 703-305-7447. The examiner can normally be reached on Mon-Fri (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7201 for regular communications and 703-305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Thu Ha Nguyen

April 8, 2003

  
AYAZ SHEIKH  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2100